

**COUNSEL LISTED ON SIGNATURE PAGE**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SBJ IP HOLDINGS 1, LLC,  
Plaintiff,  
v.  
NETFLIX, INC., AMAZON.COM, INC.,  
and BORDERS GROUP, INC.  
Defendants.

Case No. C 08-80109SI

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING THE HEARING  
DATE ON THIRD PARTY VIGNETTE  
CORPORATION'S MOTION TO QUASH  
DEFENDANTS' SUBPOENA**

(U.S.D.C. Eastern District of Texas)

ALL MOTIONS FILED IN THIS CASE SHALL BE CONTINUED  
TO 8/15/08 @ 9:00 A.M.

STIPULATION AND [PROPOSED]  
ORDER

Case No. C 08-80109SI

Defendants Netflix, Inc., Amazon.com, Inc., and Borders Group, Inc., and third-party Vignette Corporation ("Vignette") submit the following Stipulation and Proposed Order concerning Defendants' Subpoena to Vignette in the above referenced matter.

WHEREAS, on April 23, 2008, Defendants served a subpoena from this District to Vignette for documents relating to U.S. Patent 6,330,592 (on which Vignette is listed as the Assignee) being asserted against Defendants by SBJ IP Holdings 1, LLC, the present holder of the patent, in the Eastern District of Texas;

WHEREAS, on May 13, 2008, Vignette moved the Court to quash Defendants' subpoena;

WHEREAS, on May 21, 2008, the Court's clerk set Vignette motion to quash for hearing on June 20, 2008 at 9:00 a.m.;

WHEREAS, on May 21, 2008, counsel for Defendants and Vignette met and conferred, and were able to resolve some of the requests in the subpoena;

WHEREAS, Defendants and Vignette believe that further meet and confer efforts may resolve the remaining outstanding issues without Court intervention;

WHEREAS, Defendants and Vignette wish to continue the hearing date on the motion to quash from June 20, 2008 to July 18, 2008 at 9:00 a.m.;

WHEREAS, Defendants and Vignette believe this extension would facilitate the informal resolution of the outstanding issues, and if not, would allow Defendants' to file a motion to compel to be heard at that same time as Vignette's motion to quash, and allow Vignette to oppose such a motion according to the timing under the Civil Local Rules; and

WHEREAS, this time modification requested will have no effect on the case schedule.

#### **STIPULATION**

In view of the foregoing, Defendants and Vignette stipulating to the following order:

1. The hearing on Vignette's motion to quash which is currently scheduled for June 20, 2008 at 9:00 a.m. is continued until July 18, 2008 at 9:00 a.m., or as soon thereafter as the Court is available;

2. In accordance with Civ. L.R. 7-2(a), Defendants shall file any motion to compel compliance with the subpoena by no later than June 13, 2008;

STIPULATION AND [PROPOSED]  
ORDER

3. In accordance with Civ. L.R. 7-3(a), Defendants shall file any opposition to the motion to quash and Vignette shall file any opposition to any motion to compel by no later than June 27, 2008;

4. In accordance with Civ. L.R. 7-3(c), Vignette shall file any reply in support of its motion to quash and Defendants shall file any reply in support of any motion to compel by no later than July 18, 2008; and

5. To the extent Defendants' and Vignette are able to resolve all outstanding issues before June 13, 2009, thereby obviating the need for the Court's intervention, they shall promptly notify the Court accordingly.

Dated: May 30, 2008

By: /s/ Ryan Tyz

Ryan Tyz  
(CSB No. 234895)  
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ATTORNEYS FOR DEFENDANTS  
NETFLIX, INC., AMAZON.COM, INC., and  
BORDERS GROUP, INC.

Dated: May 30, 2008

By: /s/ Susan Dillon Ayers

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ATTORNEYS FOR THIRD PARTY  
VIGNETTE CORPORATION

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2008



Honorable Susan Illston  
United States District Judge

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Ryan Tyz, attest that concurrence in the filing of this document has been obtained from Ms. Sue Ayers, counsel for Vignette Corporation.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of May, 2008 in Mountain View, California.

/s/ Ryan Tyz  
Ryan Tyz